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Attorney for Defendants
MARCUS TERRY; FOSTER CITY POLICE
DEPARTMENT and CITY OF FOSTER CITY

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

ZHENG LIU,

Plaintiffs,

v.

MARCUS TERRY; FOSTER CITY POLICE
DEPARTMENT; CITY OF FOSTER CITY,
and DOES 1-20,

Defendants.

Case No. 3:21-cv-01179-JSC

**STIPULATION AND [PROPOSED] ORDER
FOR EXTENSION OF TIME FOR
DEFENDANTS TO FILE REPLY TO
PLAINTIFF'S OPPOSITION TO
DEFENDANTS' MOTION TO DISMISS**

Pro Se Plaintiff Zheng Liu ("Plaintiff") on his own behalf and, by and through their undersigned counsel, pursuant to Northern District Civil Local Rule 6-1(a), hereby stipulate as follows:

WHEREAS, Defendants Marcus Terry; Foster City Police Department and City of Foster City (collectively "Defendants") requested a 28-day extension to file a responsive pleading and Pro Se Plaintiff agreed to the requested 28-day extension (Dkt. No. 9);

WHEREAS, Defendants Marcus Terry; Foster City Police Department and City of Foster City (collectively "Defendants") filed a Rule 12(b)(6) motion to dismiss Plaintiff's complaint on April 9, 2021 (Dkt. No. 12);

1 WHEREAS, the briefing schedule pursuant to Northern District Civil Local Rules provided
2 that Plaintiff's opposition was due on or before 11:59pm, April 23, 2021 and Defendants' reply is
3 due on April 30, 2021;

4 WHEREAS, Plaintiff, a practicing attorney himself, currently supervises four active cases
5 pending in this District and the Central District of California, as well as approximately twelve
6 active cases pending in the Superior Courts of Alameda, San Mateo, Santa Clara, Sacramento, and
7 Los Angeles and before the Second District Court of Appeal;

8 WHEREAS on or about April 21, 2021, one of cases Plaintiff supervises encountered an
9 unforeseeable emergency, causing Plaintiff to unexpectedly divert resource to that client's case for
10 at least two days;

11 WHEREAS, due to this unexpected client emergency, Plaintiff's opposition was not filed
12 until 4:36 a.m. April 26, 2021;

13 WHEREAS, the two calendar days between 11:59 p.m. April 23, 2021 and 4:36 a.m., April
14 26, 2021 include a Saturday and a Sunday, both of which are non-business days;

15 WHEREAS, Plaintiff did not believe Defendants were prejudiced due to that the delay
16 occurred over a weekend;

17 WHEREAS, Plaintiff agreed the opposition was filed late and immediately after filing the
18 opposition, offered to stipulate that Defendants be provided additional time to file their reply;

19 WHEREAS, Defendants did not agree to Plaintiff filing his opposition after the April 23,
20 2021 deadline and oppose consideration of Plaintiff's late-filed opposition.

21
22 NOW THEREFORE, THE PARTIES TO THIS ACTION STIPULATE THROUGH
23 THEIR RESPECTIVE COUNSEL TO THE FOLLOWING:

24 1. Plaintiff has authority to entered into this Stipulation on his own behalf and counsel
25 of record for Defendants has authority to enter this Stipulation on behalf of Defendants;

26 2. Plaintiff filed an Opposition to Defendants' motion to dismiss after the time
27 provided in the briefing schedule had passed;

3. To the extent the court considers Plaintiff's late-filed opposition, Defendants should be afforded additional time, to May 3, 2021, to file their reply to Plaintiff's opposition to Defendants' motion to dismiss.

4. Defendants do not waive any right to challenge Plaintiff's opposition.

5. Plaintiff does not waive any right to challenge Defendants' anticipated reply.

IT IS SO STIPULATED.

DATED: April 26, 2021

SELMAN BREITMAN LLP

By: /s/ Danielle K. Lewis
DANIELLE K. LEWIS
Attorney for Defendants
MARCUS TERRY; FOSTER CITY
POLICE DEPARTMENT and CITY OF
FOSTER CITY

DATED: April 26, 2021

PRO SE

By: /s/ Zheng L
ZHENG LIU

FILER'S ATTESTATION

I, Danielle K. Lewis, hereby attest that all other signatories listed herein concur in the filing's content and have authorized that their electronic signature be affixed above and have authorized the filing.

DATED: April 26, 2021

/s/ Danielle K. Lewis
DANIELLE K. LEWIS

ORDER

The Court, having reviewed the Parties' stipulation regarding extending the deadline for Defendants to file a reply to Plaintiff's opposition to Defendants' motion to dismiss, and good cause appearing therefore, IT IS HEREBY ORDERED that the deadline for Defendants to file a reply to Plaintiff's opposition to Defendants' motion to dismiss is extended to May 3, 2021.

DATED: _____

HON. JACQUELINE SCOTT CORLEY
UNITED STATES DISTRICT JUDGE

Selman Breitman LLP
ATTORNEYS AT LAW